

Issued November 28, 1913.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

---

## NOTICE OF JUDGMENT NO. 2584.

(Given pursuant to section 4 of the Food and Drugs Act.)

---

**U. S. v. Barataria Canning Co. Plea of guilty. Fine, \$25 and costs.**

---

### ADULTERATION AND MISBRANDING OF COVE OYSTERS.

On October 23, 1912, the United States Attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Barataria Canning Co., a corporation, Biloxi, Miss., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 29, 1911, from the State of Mississippi into the State of Arkansas of a quantity of so-called cove oysters which were adulterated and misbranded. The product was labeled: "Seminole Brand (Picture of Indian) Cove Oysters, Packed by Barataria Canning Co., Biloxi, Miss., Packed at Biloxi, Miss. Seminole Brand Cove Oysters Barataria Canning Co., Biloxi, Miss."

Examination of samples of the product by the Bureau of Chemistry of this Department showed the following results: (Sample No. 1) Gross weight, 366 grams; weight of oyster meat, 42 grams or 1.5 ounces; weight of liquor, 261 grams or 9.2 ounces; 9 whole oysters and 6 pieces present. (Sample No. 2) Gross weight, 360 grams; weight of oyster meat, 42 grams or 1.5 ounces; weight of liquor, 248 grams or 8.8 ounces; 11 whole oysters and 1 piece present. (Sample No. 3) Gross weight, 368 grams; weight of oyster meat, 31 grams or 1.1 ounces; weight of liquor, 268 grams or 9.4 ounces. Adulteration of the product was alleged in the information for the reason that an excessive amount of water had been mixed and packed therewith so as to reduce, lower, and injuriously affect the quality of the oysters. Misbranding was alleged for the reason that the statement on the label thereof, "Cove Oysters," was false and misleading, as it conveyed the impression that the product was canned oysters packed

without the use of an excessive amount of water, whereas it consisted of canned oysters packed with an excessive amount of water.

On February 19, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

B. T. GALLOWAY,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 12, 1913.*

2584

